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REMARKS**I. INTRODUCTION**

Claims 1, 3-11 and 13-20 have been amended. Claims 2 and 12 have been cancelled. No new matter has been added. Thus, claims 1, 3-11 and 13-20 are pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE OBJECTION TO THE SPECIFICATION SHOULD BE WITHDRAWN

The Examiner objects to the specification for not containing an abstract of the disclosure. (See 09/04/08 Office Action p. 2). An abstract has been provided above. As such, Applicant submits that the objection to the specification should be withdrawn.

III. THE 35 U.S.C. § 112 REJECTIONS SHOULD BE WITHDRAWN

Claims 1-10 and 18 stand rejected under 35 U.S.C. § 112, paragraph 6, for not providing a function specified by any words preceding the term "means" making it impossible to determine the equivalents of the element. (See 09/04/08 Office Action p. 3). Claims 1-10 and 18 have been amended to eliminate the terms (6), (5), (12) etc. Applicant also submits that 35 U.S.C. § 112, paragraph 6, does not require a function preceding the term "means." It only requires a recitation of a function. Each of the "means" elements of the claims recites a function after the term "means." This is all that is required by 35 U.S.C. § 112, paragraph 6. Furthermore, one skilled in the art can establish the relevant means that can provide the required function by reading the specification. As an example "means for storing personal parameters of persons assigned to types of jobs," as recited in claim 1 can be performed by the memory means seen in the specification on page 5 lines 31-32. As such, Applicant submits that the 35 U.S.C. § 112, paragraph 6, rejection should be withdrawn.

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Claims 1-10 and 18 are further rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements. (See 09/04/08 Office Action p. 3). Applicant submits that claims 1 and 18, as amended, are now complete regarding essential elements. As such, Applicant submits that the 35 U.S.C. § 112, second paragraph, rejection should be withdrawn. Because claims 2-10 depend from, and therefore include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1.

IV. THE 35 U.S.C. § 101 REJECTIONS SHOULD BE WITHDRAWN

Claims 1, 2, 4, 6, 9 and 10 stand rejected under 35 U.S.C. § 101 because the substances of the claims can reasonably be understood to be drawn to software, which is not patentable. (See 09/04/08 Office Action p. 3). Applicant has reviewed claims 1, 2, 4, 6, 9 and 10 and fails to see how any of the claims relates to software. Claim 1 recites "a device (1)" and a "means for storing." An example of a means for storing is a memory means, as seen in the specification on page 5 lines 31-32. Neither a device nor a memory means can be understood as being software. Applicant respectfully requests that the Examiner provide some evidence as to how such an inference can be made. Because claims 2, 4, 6, 9 and 10 depend from, and therefore include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1.

Claims 11-20 stand rejected under 35 U.S.C. § 101 because they only recite a process without obvious ties to another statutory class. (See 09/04/08 Office Action p. 3) Claim 11 has been amended to recite, "A computer readable storage medium including a set of instructions executable by a processor, the set of instructions operable to: automatically route jobs of different types to persons who undertake the jobs." Applicant submits that claim 11 is in condition for allowance and the 35 U.S.C. § 101 rejection should be withdrawn. Because claims 12-20 depend from, and therefore include all the limitations of claim 11, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 11.

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V. THE 35 U.S.C. § 102(e) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,031,998 to Archbold (hereinafter "Archbold"). (See 09/04/08 Office Action, p. 4).

Claim 1 has been amended to incorporate the limitation of now-cancelled claim 2. Specifically, claim 1 has been amended to recite "wherein the means for establishing at least one suitable person include means for creating a list of suitable persons, ranked according to their suitability on the basis of the personal parameters." In rejecting claim 2, the Examiner asserts that the limitation was taught by Archbold in column 9 lines 47-62. Applicant respectfully disagrees.

Archbold, in column 9 lines 47-62 teaches how a Provisional Scribe can be evaluated to determine if they are qualified for a particular level of work. Archbold states that, "[p]rovisional Scribes are assigned to a HOME and are currently being qualified for a particular level of work by their Home's scribe coordinator." (See Archbold col. 9, ll. 48-51). Archbold further states that, "A Provisional Scribe "Shadows" the transcription of an Assigned Scribe. A computer program compares the output of the Provisional Scribe with the output of the Assigned Scribe." (See Archbold col. 9, ll. 51-54). Archbold, however does not rank the available personnel according to their skill. Archbold only teaches how Provisional Scribes are scored to qualify the Provisional Scribes to determine if they meet the requirements, generally, for a particular level of work. Archbold does not make any mention of ranking the Provisional Scribes (or the Assigned Scribes) in any manner. In Archbold, a scribe is either qualified or not qualified. There is no ranking of the scribes. Thus, Archbold neither teaches nor suggests "creating a list of suitable persons, ranked according to their suitability on the basis of the personal parameters," as recited in claim 1. Therefore, Applicant submits that claim 1 is patentable over Archbold. Because claims 3-10 depend from, and therefore include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1.

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Independent claim 11 recites, "wherein a list of suitable persons, ranked according to their suitability established on the basis of the personal parameters, is created for the particular job type." Applicants submit that this claim is also allowable for at least the same reasons stated above with respect to claim 1. Because claims 13-20 depend from, and therefore include all the limitations of claim 11, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 11.

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CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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